

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  CABLE & WIRELESS USA, INC., AND PRIMUS TELECOMMUNICATIONS, INC.	DOCKET NO. WRU-02-35-3019
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**ORDER GRANTING WAIVER**

(Issued October 16, 2002)

On September 19, 2002, Cable & Wireless USA, Inc. (C&W), and Primus Telecommunications, Inc. (PTI), jointly filed with the Utilities Board (Board) a request for a waiver of 199 IAC 22.23(2) regarding individual customer verification rules for unauthorized changes in telecommunications services. Both C&W and PTI are telecommunications service providers in Iowa. No objection to the joint request has been filed.

On September 13, 2002, C&W and PTI entered into a customer transfer agreement whereby PTI will become the provider of all intrastate telecommunications services currently being provided by C&W in Iowa. C&W has over 100 customers in Iowa. C&W and PTI served proper notice of the transfer upon all of its affected Iowa customers and state that there will not be a change in the rates, terms, and conditions of services provided to C&W's customers.

To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule

are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed by the rule.

The Board finds that a waiver of 199 IAC 22.23(2) should be granted based on the Board's review of the information provided by C&W and PTI. The Board finds that it would be an undue hardship for PTI to obtain over 100 individual authorization verifications for the change in service providers. The Board also finds that the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded since all of C&W's customers received notice of PTI's acquisition and will be afforded an opportunity to change providers if they choose to do so.

**IT IS THEREFORE ORDERED:**

The joint waiver request filed by Cable & Wireless USA, Inc., and Primus Telecommunications, Inc., on September 19, 2002, is granted. The verification requirement of 199 IAC 22.23(2) for unauthorized changes in telecommunications service is waived.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 16<sup>th</sup> day of October, 2002.